

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANGEL VELEZ,

Plaintiff,

-V-

ANDREW SAUL, Commissioner of Social Security,

Defendant.

19-cv-7291 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff challenges the final decision of the Commissioner of the Social Security Administration on the ground that the Administrative Law Judge (“ALJ”) who decided his case was improperly appointed under the Appointments Clause of the United States Constitution. On December 23, 2020, Magistrate Judge Cott issued a Report and Recommendation recommending that the Court remand the case to a properly appointed ALJ. Dkt. No. 23. The Government has objected to the Report and Recommendation, Dkt. No. 23, and Plaintiff has filed a response. Dkt. No. 25.

In reviewing a Magistrate Judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties are given the opportunity to raise timely objections to the report and recommendation within fourteen days. *Id.* The Court reviews any portion of the report subject to an objection *de novo*. Fed. R. Civ. P. 72(b) Advisory Committee Notes; *Colvin v. Berryhill*, 734 F. App’x 756, 758 (2d Cir. 2018).

The Court has reviewed the record and the Report and Recommendation *de novo*. The



Court adopts the well-reasoned Report and Recommendation for the reasons stated by Judge Cott therein, and for the reasons stated in *Filippo v. Saul*, 2020 WL 5229681 (S.D.N.Y. Sept. 1, 2020), in which Judge Broderick considered and rejected all of the Government's arguments, many of which are repeated in the objections to the R&R at issue here. The Court hereby ORDERS that the Report and Recommendation is ADOPTED in its entirety and GRANTS Plaintiff's motion for judgment on the pleadings.

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: January 14, 2021  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge